IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Civil Revision No. 15 of 2007.

Date of decision 3rd August, 2007.

Joginder Kumar and others …**Petitioners.**

Versus

Baldev Singh and others …**Respondents.**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud, J.

Whether approved for reporting?[1]

For the Petitioner: **Mr. Bhuvnesh Sharma, Advocate.**

For the Respondents: **S/Sh. N.K.Thakur and R.S. Kanwar, Advocates.**

Dev Darshan Sud, J. (Oral).

The plaintiff is aggrieved by the order passed by the learned trial Court in an application moved under Order 1 Rule 10 of the Code of Civil Procedure with a prayer for impleading the persons as named in para 2 of the application as parties in the suit. The plaintiff had prayed that Smt. Kailasho Devi, defendant No. 1, had during her life time, sold her estate which she inherited from her mother in favour of:

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[1] *Whether reports of Local Papers may be allowed to see the judgment?*

i) Joginder Kumar, son of Salig Ram, R/O Village Loharin, P.O. Khiah, Tehsil and District, Hamirpur, HP;

ii) Sarswati Education & Cultural Trust Jyotsna Public School Complex, Loharin, P.O. Khiah, Tehsil and District, Hamirpur (HP) through its Chairman, Sh. J.K.Chauhan;

iii) Sh. Naresh Kumar, son of Sh. Sher Singh, R/O VPO Tikkar Khatrian, Tehsil Bhoranj, Distt. Hamirpur (HP)

iv) Sh. Salig Ram, son of Sh. Hans Raj, resident of Vill. Loharin, P.O. Khiah, Tehsil & Distt. Hamirpur (HP).

v) Smt. Aparna Kumari, d/o Sh. Jagdish Singh, R/O VPO Lower Lamba Goan, Tehsil Jainsinghpur, Distt. Kangra HP; and

vi) Smt. Maya Devi, wife of Sh. Joginder Singh, R/O Vill. Loharin, P.O. Khiah, Tehsil and Distt. Hamirpur, H.P.

It was prayed that the persons named therein were necessary parties whose presence would be absolutely necessary for determination of the questions raised in the suit and that they were necessary parties.

The learned trial Court disposed of the application holding that Court had directed status quo to be maintained and that any subsequent purchaser is not required to be impleaded as a party as he is bound by the

decision which may be passed in the suit. The learned trial Court also noticed the plea in opposition which had been raised that the persons to be impleaded therein were alleged bonafide purchasers and wanted to protect their interests. This plea was not accepted and it was held and rightly so, as any person purchasing property during the pendency of the suit is bound by the decision rendered therein. Such question could have been determined only on an issue having been framed and evidence led in the matter. The second ground for not accepting the application was that according to the trial Court it would have necessitated a retrial which would delay the matter.

I have heard the learned counsel for the parties. The present revision petition is disposed of with direction that it would be open to the petitioner herein to urge the point regarding impleadment of necessary and proper parties before the learned trial Court and to raise that issue in appeal, if so required. Of course, the stand of the respondents is that the vendees as named above, were not necessary parties to the suit. The petitioners will be at liberty to urge the points raised herein before the learned trial Court at the time of final arguments and before the appellate Court, if

so required. This revision is disposed of. There shall be no order as to costs.

August 3, 2007 (PC) (Dev Darshan Sud), J.